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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Gerald E Baldwin,

10 Plaintiff,

11 v.

12 Costco Wholesale Corporation,

13 Defendant.  
14

No. CV-23-02327-PHX-JAT

**ORDER**

15 Pending before the Court is Defendant Costco Wholesale Corporation's ("Costco")  
16 motion for leave to file exhibits under seal. (Doc. 33). Specifically, Costco seeks to file the  
17 following three exhibits under seal: Exhibit 3 (surveillance footage of the slip and fall at  
18 issue in this case), Exhibit 4 ("a portion of Costco's internal Loss Prevention Manual"),  
19 and Exhibit 5 ("documentation relating to the . . . safety inspections performed on the date  
20 of the subject incident").<sup>1</sup> (Doc. 33 at 2). For the following reasons, the Court will deny  
21 this motion.

22 This is defense counsel's third attempt in this district to file these types of exhibits  
23 under seal. (*See* CV-22-947-PHX-DLR, Doc. 48; CV-24-271-PHX-KML, Doc. 37). Judge  
24 Rayes denied a nearly identical motion. *Sheikh v. Costco Wholesale Corp.*, No. CV-22-  
25 00947-PHX-DLR, 2024 WL 455243, at \*2 (D. Ariz. Feb. 6, 2024). Judge Lanham recently  
26 did the same, noting that because Judge Rayes had denied the previous request, Costco had

27 <sup>1</sup> The Court notes that Costco's description of the exhibits does not match what it actually  
28 filed. Exhibit 4 (Doc. 34) is the safety inspection documentation and Exhibit 5 (Doc. 35)  
is the portion of Costco's Loss Prevention Manual. The Court will refer to the exhibits as  
described in Costco's motion, not as actually filed.

1 already filed the documents<sup>2</sup> on the public docket. *Bowen v. Costco Wholesale Corp.*, No.  
 2 CV-24-00271-PHX-KML, 2025 WL 786517, at \*1 (D. Ariz. Mar. 12, 2025). The Court is  
 3 unclear why Costco again seeks to seal documents that are already in the public record.  
 4 (CV-22-947-PHX-DLR, Docs. 59, 60). The Court reiterates Judge Lanham's analysis:

5 Costco's motion in this case does not explain why it would appropriate to seal a  
 6 document that is already in the public record. Nor does the motion explain how  
 7 Costco would be harmed by the disclosure of the documents. Costco has not  
 8 established there are "compelling reasons" supporting the sealing of these  
 documents. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th  
 Cir. 2016).

9 *Bowen*, 2025 WL 786517, at \*1.

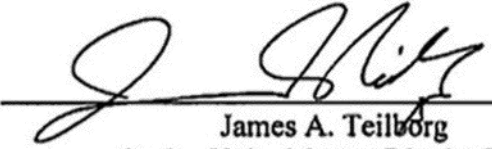
10 Similarly, Costco has already filed video surveillance footage in the public record.  
 11 (CV-22-947-PHX-DLR (USB Drive received by the Clerk's office on February 13, 2024)).  
 12 The same analysis from that case applies here:

13 Costco argues that the surveillance footage "is deserving of protection from use or  
 14 publication outside the scope of this lawsuit" because "Costco's primary use for its  
 15 surveillance system is asset protection and theft deterrence[.]" But it is common  
 16 knowledge that commercial retail businesses routinely use surveillance cameras to  
 protect their wares and deter theft. The unremarkable fact that Costco stores use  
 surveillance cameras is not a compelling reason to seal the footage.

17 *Sheikh*, 2024 WL 455243, at \*1 (internal citation omitted). Accordingly,

18 **IT IS ORDERED** the motion to seal (Doc. 33) is **DENIED**. If Costco wants the  
 19 court to consider these exhibits, it must file them on the public docket within **five (5)** days  
 20 of this order in accordance with LRCiv 5.6(e). This order shall not be sealed.

21 Dated this 31st day of March, 2025.

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 James A. Teilborg  
 Senior United States District Judge

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 27 <sup>2</sup> In Judge Rayes' case, Costco filed the same excerpt of its Loss Prevention Manual that it  
 28 seeks to file under seal here as Exhibit 4. (CV-22-947-PHX-DLR, Doc. 59). Costco also  
 filed its "Daily Floor Walk / Safety Inspection" form that was relevant in that case. (CV-  
 22-947-PHX-DLR, Doc. 60). Although the inspection form here is for a different date and  
 location, it is the same general form and same general information.